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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/839,852	04/20/2001	Michael S. Lopke	10008057-1	3030

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EXAMINER

NAWAZ, ASAD M

ART UNIT PAPER NUMBER

2155

DATE MAILED: 07/14/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/839,852

Applicant(s)

LOPKE ET AL.

Examiner

Asad M Nawaz

Art Unit

2155

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE ____ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-25 is/are rejected.
- 7) ☒ Claim(s) 5 and 20 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 April 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

1. This action is responsive to the application filed on April 20, 2001. Claims 1-25 are pending.

Double Patenting

2. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

3. Claims 1-25 provisionally rejected under 35 U.S.C. 103(a) as being obvious over copending Application No. 09/797,784 which has a common inventive merits with the instant application. Based upon the earlier effective U.S. filing date of the copending application, it would constitute prior art under 35 U.S.C. 102(e) if published or patented.

This provisional rejection under 35 U.S.C. 103(a) is based upon a presumption of future publication or patenting of the conflicting application. The copending application teaches all the limitations of the instant application except the capability to record statistics on a per session basis. This limitation, however, as will be seen is very common and known to one ordinary skilled in the art.

This provisional rejection might be overcome either by a showing under 37 CFR 1.132 that any invention disclosed but not claimed in the copending application was derived from the inventor of this application and is thus not the invention "by another," or by a showing of a date of invention for the instant application prior to the effective U.S. filing date of the copending application under 37 CFR 1.131. For applications filed on or after November 29, 1999, this rejection might also be overcome by showing that the subject matter of the reference and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person. See MPEP § 706.02(l)(1) and § 706.02(l)(2).

4. Claims 1-25 are directed to the same invention as that of claims 1-23 of commonly assigned application no. 09/797,784. The issue of priority under 35 U.S.C. 102(g) and possibly 35 U.S.C. 102(f) of this single invention must be resolved.

Since the U.S. Patent and Trademark Office normally will not institute an interference between applications or a patent and an application of common ownership (see MPEP § 2302), the assignee is required to state which entity is the prior inventor of the conflicting subject matter. A terminal disclaimer has no effect in this situation since

the basis for refusing more than one patent is priority of invention under 35 U.S.C. 102(f) or (g) and not an extension of monopoly.

Failure to comply with this requirement will result in a holding of abandonment of this application.

5. Claims 1-25 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-23 of copending Application No. 09/797784 in view of Shelton et al (US Patent No. 5,954,798). The copending application teaches all the limitations of the instant application except the capability to record statistics on a per session basis. This limitation, however, as will be seen is very common and known to one ordinary skilled in the art. The secondary reference, Shelton et al., further teach this limitation.

This is a provisional obviousness-type double patenting rejection.

Specification

6. The disclosure is objected to because of the following informalities: The multiple mentions of Flash in the discussions pertaining to memory have been understood to mean Flash memory.

Appropriate correction is required.

7. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

The following title is suggested: "Interactive Remote Monitoring of Client Page Render Times on a per Session Basis".

Claim Objections

8. Claim 5 is objected to because of the following informalities: The "scrip" is misspelled and understood to mean script. Appropriate correction is required.

Claim 20 is objected to because of the following informalities: The claim appears to have a typographical error in the last line. For the purpose of this office action, "computer, the." Has been changed to "computer.". Appropriate corrections are required.

Claim Rejections - 35 USC § 112

9. Claims 8 and 9 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Particularly, it is unclear what is meant by "collecting multiple time to display results". For the purpose of this office action, it will be assumed that multiple render times are being collected.

Claim Rejections - 35 USC § 102

10. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

(f) he did not himself invent the subject matter sought to be patented.

Claims 1-25 are rejected under 35 U.S.C. 102(f) because the applicant did not invent the claimed subject matter. The copending application, Gartner et al (PGPUB US 2002/0124047) has taught the subject matter being claimed novel. At times, the specification language and the claim language are identical.

Claim Rejections - 35 USC § 103

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 1-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Davis et al (US Patent No: 5,796,952), and further in view of Shelton et al (US Patent No. 5,954,789).

Davis et al teaches a method in which a client/server relationship is used to retrieve documents such as web pages. In addition to retrieving a document, "a tracking program is embedded in a file which is downloaded from a server to a client."

(page 4, lines 39-40) "The tracking program is downloaded from a server and runs on the client to monitor various indicia, such as elapsed time." (page 4, lines 46-48) Furthermore, "upon a predetermined event", the "tracking program then automatically sends the information acquired from the client back to a server for storage and analysis." (page 4, lines 57-59) Davis, however, does not explicitly indicate the use of a session, associated with an identification, in which a client can request multiple documents.

Shelton, however, teaches this limitation. "A session is created for each of one of the consumer browsers when an individual consumer downloads an initial web page from an HTTP request. A unique ID is assigned to that session." (see Abstract) This unique ID is similar to a session ID in that information and statistics about differing activities from that session would be recorded and associated with a particular ID. Later, statistical analysis of the information pertaining to each session ID would result in statistics on a per session basis. Shelton also incorporates the use of timestamps and executable scripts to monitor the activities of a session.

As to claim 1, Davis teaches a method comprising
receiving, from a client, a request for a document (page 7, lines 10-15),
generating a time stamp (page 12, line 15),
serving the document along with a time stamp and an executable script to the
client, the executable script being configured to return the time stamp when the
document is rendered on the client. (page 8, lines 30-33 and 44),

receiving the time stamp from the client. (page 4, lines 56-60; page 15, lines 42-47),

and deriving a document render time from the time stamp, the document render time being indicative of a time period from when the request for the document is generated at the client to when the document is rendered at the client. (page 13, lines 44,45; page 12, lines 25-33)

With respect to the limitations of "script being configured to return the time stamp when the document is rendered on the client" and "deriving a document render time from the time stamp" in claim 1, Davis does not explicitly indicate the event of a document being rendered. Also, Davis does not explicitly indicate the "assigning a session ID to uniquely identify a session established with the client" and therefore any other limitations depending on a session ID (associating the time stamp with the session ID, determining an average render time ...for a common session ID). However, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to incorporate the event that triggers the return of the timestamp to be a render time. Davis teaches that the tracking program can be executed after any required initialization or even on the occurrence of a predetermined event. This event could include the rendering of the requested document on the client side. Davis also mentions that the "client must fetch to fully render the web page in a browser" (page 7, line 22) and that the tracking program may simply monitor the amount of time the user spends interacting with the Web Page". (page 8, lines 17-18) Because the rendering of the web page was considered by Davis, it is considered an event at the very least. The

action of clicking the hyperlink to when the document is completely rendered is also considered a form of interaction in its primitive understanding. Therefore, it is safe to say that in view of Davis' teachings, the rendering time of a document on the client side can be considered a simple event or interaction with the document.

As for the average render time of a session and more specifically the session ID, Shelton teaches the creation of a session (and its association with an unique id) and the gathering and analysis of statistical information. (page 6, lines 33-49)

With respect to claim 1, it would have been obvious to a person of ordinary skill in the art at the time of the invention to incorporate the teachings of Davis with those of Shelton to make the system more convenient, flexible, and practical. The monitoring and derivation of metrics provides the serving entity useful analysis information per page rendered. This information would be more useful if it were put in context as one user's bandwidth may be slower than another or the processor may be obsolete causing a longer rendering time on the client machine. If these factors were not weighed properly, the basis and intent of the invention is lost as the serving entity is left with useless metrics.

Claims 7 and 11 only differ from claim 1 in that they facilitate the use of more than one request per client and a server serving more than one client. These limitations only define a server. Any server that serves web pages is capable of serving multiple documents to a single client and is capable of serving information to more than one client, hence the need for a session ID. The session ID and the serving of multiple documents to multiple consumer browsers is taught by Shelton.(Abstract)

Claim 23 differs from claim 1 in that claim 23 teaches a computer readable media with computer executable instructions that direct the method. This limitation is taught in Davis where a computer readable media having computer executable instructions like scripts are taught. For example, Davis teaches the use of CGI scripts, C++, Perl, and Java. (page 7, lines 15-20; page 10, 45-57) Furthermore, Davis teaches an embedded tracking program that executes upon a predetermined event and returns a value. (page 12, lines 13-50) A derivation from this value leads to the render time value. Furthermore, it is given that a request for a web page would be in a computer readable media that would prompt the execution of instructions to serve the web page along with the script and a value. The only limitation that Davis does not explicitly indicate is "the time stamp being associated with a session ID". Shelton teaches the use of a session ID (page 6, lines 33-49). This along with Davis' teachings of the server may send information in addition to HTML documents (web pages) to the requesting client (page 8, lines 2-5). This additional information could be the timestamp taught by Davis and/or the session ID taught by Shelton.

As to claim 2, Davis also teaches the document being a "web page that was formatted according to HTML". (page 7, lines 13,14)

As to claim 3, Davis teaches the calculation of time using the time noted. (page 13, lines 44-45) In addition, Davis teaches that after the predetermined event, the system will "compute the difference between the current time and the time noted during execution." (page 12, lines 28-29)

As for claim 4, Davis teaches the method of claim 1 wherein logging of single session information (which includes render times as discussed in the rejection of claim 1) on page 13, lines 57-62 and page 14, lines 44-46) and Shelton further teaches the logging of multiple statistics of a session in association with an unique identifier. (page 6, lines 33-49)

Regarding claim 5, Davis teaches the method of claim 1 wherein the server may send information in addition to HTML documents (web pages) to the requesting client (page 8, lines 2-5). This additional information could be the timestamp taught by Davis and/or the session ID taught by Shelton.

Regarding claim 6, Davis teaches logging of single session render times as discussed previously (page 14, lines 44-46; page 17, lines 59-62) and Shelton further teaches the logging of multiple statistics of a session in association with an unique identifier. (page 6, lines 33-49)

As to claim 8, Davis teaches the method of claim 7 where4ing the value is derived from a monotonically increasing source (page 9, line 34),

comparing the value with a current value from the monotonically increasing source (Page 12, line 29; page 13, lines 44-45), and

deriving the time to display result as a function of the value and ahte current value (Page 12, line 29; page 13, lines 44-45),

The only limitations not taught by Davis are the collection of multiple render times and the derivation of the average time to display. These limitations would be an

obvious variation of statistical analysis and the incorporation of a session wherein a client can make multiple requests during a session, as taught by Shelton.

Regarding claim 10, Davis teaches logging of single session render times as discussed previously (page 14, lines 44-46; page 17, lines 59-62) and Shelton further teaches the logging of multiple statistics of a session in association with an unique identifier. (page 6, lines 33-49)

As to claim 12, Davis teaches a system that comprises of a server to receive requests for a document from a client, the server being configured to serve the document along with a script and a value. (page 8, lines 1-5 and 30-33)

The script being configured to execute in response to the document being rendered on the client such that when executed, the script returns the value to the server (p8, line 64; page 4, lines 57-59)

Davis teaches a system in which a client/server relationship is used to retrieve/serve documents such as web pages. In addition to retrieving/serving a document, "a tracking program is embedded in a file which is downloaded from a server to a client." (page 4, lines 39-40) "The tracking program is downloaded from a server and runs on the client to monitor various indicia, such as elapsed time." (page 4, lines 46-48) "The server may send information including graphics, instruction sets, sound and video files in addition to HTML documents to the requesting client". (page 8, lines 2-5) This additional information also includes the time noted or timestamp. There has been ample discussion of the timestamp in the rejection of previous claims.

With respect to the limitation, "a time-to-render monitor" in claim 12, Davis does not explicitly indicate an actual time-to-render monitor or the time representation. However, it would have been obvious to a person of ordinary skill in the art to arrive at this conclusion given Davis' teachings. For example, "upon a predetermined event", the tracking program then automatically sends the information acquired from the client back to a server for storage and analysis." (page 4, lines 57-59) This event could include the rendering of the requested document on the client side. Davis mentions that the "client must fetch to fully render the web page in a browser" (page 7, line 22) and that the tracking program may simply monitor the amount of time the user spends interacting with the Web Page". (page 8, lines 17-18) Because Davis considered the rendering of the web page, it is considered an event at the very least. The action of clicking the hyperlink to when the document is completely rendered is also considered a form of interaction in its primitive understanding. Therefore, it is safe to say that in view of Davis' teachings, the rendering time of a document on the client side can be considered a simple event or interaction with the document. Also, it is obvious that the comparison between the time noted and the current time must be done physically somewhere. This place could constitute a "time-to-render monitor". The only limitations not taught by Davis are the collection of multiple render times and the derivation of the average time to display. These limitations would be an obvious variation of statistical analysis and the incorporation of a session wherein a client can make multiple requests during a session, as taught by Shelton.

As to claim 13, Davis teaches the document being a "web page that was formatted according to HTML". (page 7, lines 13,14)

As to claim 14, Davis teaches the method of claim 12 wherein a monitor "will compute the difference between the current time and the time noted".(page 12, lines 25-26)

As to claim 15, Davis teaches logging of single session render times as discussed previously (page 14, lines 44-46; page 17, lines 59-62) and Shelton further teaches the logging of multiple statistics of a session in association with an unique identifier. (page 6, lines 33-49) Davis also teaches that the "client information may also be sent to the server. This information is sorted and stored [in a log] in the server database and may be analyzed manually or automatically." (page 14, lines 44-46) Also, a single database or multiple databases may be used to store and process the information. (page 17, lines 59-62) The derivation of render times as the value being stored has been discussed in the rejection of the parent claims.

As to claim 16, Davis teaches the method of claim 1 wherein the server may send information in addition to HTML documents (web pages) to the requesting client (page 8, lines 2-5). This additional information could be the timestamp taught by Davis and/or the session ID taught by Shelton.

As to claim 17, As to claim 16, Davis does not explicitly teach a physical architecture although it would be obvious to a person of ordinary skill in the art at the time of the invention that the activities that are being claimed must be done physically somewhere. For example, if the server is serving a page to the client, the server must

possess an architecture that will make this enabling. As to the functions of the server module and the render time module, Davis has taught them and they have been discussed in length numerous times in the previous rejections.

As to claim 18, Davis teaches the document being a "web page that was formatted according to HTML". (page 7, lines 13,14)

As to claim 19, Davis clearly teaches that a monitor "will compute the difference between the current time and the time noted".(page 12, lines 25-26) Because Davis considered the rendering of the web page, it is considered an event at the very least. The action of clicking the hyperlink to when the document is completely rendered is also considered a form of interaction in its primitive understanding. Therefore, it is safe to say that in view of Davis' teachings, the rendering time of a document on the client side can be considered a simple event or interaction with the document. Also, it is inherent that the comparison between the time noted and the current time must be done physically somewhere. This place could constitute a "time-to-render monitor".

As to claim 20, Davis teaches the architecture of claim 17 wherein the that a monitor "will compute the difference between the current time and the time noted".(page 12, lines 25-26) Because Davis considered the rendering of the web page, it is considered an event at the very least. The action of clicking the hyperlink to when the document is completely rendered is also considered a form of interaction in its primitive understanding. Therefore, it is safe to say that in view of Davis' teachings, the rendering time of a document on the client side can be considered a simple event or interaction with the document. Also, it is inherent that the comparison between the time

noted and the current time must be done physically somewhere. This place could constitute a "time-to-render monitor".

As to claim 21, Davis, on page 7, line 42, states that "application programs, such as Web browsers" reside at the client computer.

As to claim 22, Davis teaches a client computer that has the ability to perform all operations and limitations of this respective patent in conjunction with the teachings of Shelton. "The same or similar computer can also be used for each of the servers."
(page 7, lines 31-32)

As to claim 24, Davis teaches "the server may send information including graphics, instruction sets, sound and video files in addition to HTML documents to the requesting client". (page 8, lines 2-5) This additional information also includes the time noted or timestamp. There has been ample discussion of the timestamp in the rejection of previous claims. The role of the script has also been discussed in length in the rejections of previous claims. Davis also teaches that a monitor "will compute the difference between the current time and the time noted".(page 12, lines 25-26)

As to claim 25, Davis teaches that a server may send information in addition to HTML documents (web pages) to the requesting client (page 8, lines 2-5). This additional information could be the timestamp taught by Davis and/or the session ID taught by Shelton. The computer readable media with computer executable instructions being the TCP request for the document.

Claims 1-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gartner et al (PGPUB No. US 2002/0124047 A1) and further in view of Shelton et al. (US Patent No. 5,954,789).

Gartner et al teaches the invention as claimed including a client/server relationship in which the client requests a document from the server. The server responds by sending the desired information along with a script and a value. This value could be a timestamp or a pageID. The script is an executable that returns upon the rendering of the page on the client machine. There is identical architecture that facilitates the derivation of the render time of the requested page. The only limitation Gartner fails to teach is the monitoring of page render-times on a per session basis using a session identifier.

Shelton, however, teaches this limitation. "A session is created for each on of the consumer browsers when an individual consumer downloads an initial web page from an HTTP request. A unique ID is assigned to that session." (see Abstract) This unique ID is similar to a session ID in that information and statistics about differing activities from that session would be recorded and associated with a particular ID. Later, statistical analysis of the information pertaining to each session ID would result in statistics on a per session basis. Shelton also incorporates the use of timestamps and executable scripts to monitor the activities of a session.

As for claim 1, Gartner teaches the reception of a request for a document from the client, generating a timestamp, the association of the timestamp with a value, serving the document along with a timestamp and an executable script to the client, the

executable script being configured to return the time stamp when the document is rendered on the client machine, receiving the timestamp from the client, deriving a document render-time being indicative of a time period from when the request for the document is made to when the document is generated as a function of the timestamp and the current time, and logging the document render time. (paragraph 0022, 0025, 0027) As for the average render time of a session and more specifically the session ID, Shelton teaches the creation of a session (and its association with an unique id) and the gathering and analysis of statistical information. (page 6, lines 33-49)

Gartner teaches claim 2 in paragraph 27 where "the client submits HTTP requests for web pages and the server returns the requested pages".

As for claim 3, Gartner teaches that the "server measures the time lapse between the returned date/time stamp and the current date/time value to derive a close approximation of the client page render time". (paragraph 0025)

As for claim 4, logging of single session render times is taught by Gartner (paragraph 0022) and Shelton further teaches the logging of multiple statistics of a session in association with an unique identifier. (page 6, lines 33-49)

Regarding claim 5, Gartner teaches the method of transmitting a value along with an executable and timestamp to the client and receiving the value and timestamp back upon execution of the script. (paragraph 0025, 0032)

Regarding claim 6, logging of single session render times is taught by Gartner (paragraph 0022) and Shelton further teaches the logging of multiple statistics of a session in association with an unique identifier. (page 6, lines 33-49)

Regarding claim 7, Gartner teaches the reception of a request for a document from the client, generating a timestamp, the association of the timestamp with a value, serving the document along with a timestamp and an executable script to the client, the executable script being configured to return the time stamp when the document is rendered on the client machine, receiving the timestamp from the client, deriving a document render-time being indicative of a time period from when the request for the document is made to when the document is generated as a function of the timestamp and the current time, and logging the document render time. (paragraph 0022, 0025, 0027, 0029, 0030, 0031, 0032) As for the average render time of a session and more specifically the session ID, Shelton teaches the creation of a session (and its association with an unique id) and the gathering and analysis of statistical information. (page 6, lines 33-49) Furthermore, it would be obvious to one with ordinary skill in the art for a client to request multiple documents from a server during a session.

As for claim 8, Gartner teaches receiving the timestamp from the client, deriving a document render-time being indicative of a time period from when the request for the document is made to when the document is generated as a function of the timestamp and the current time, and logging the document render time. The timestamp, as measured uses a clock to measure time, and therefore is derived from a monotonically increasing source. The only limitations not taught by Gartner are the collection of multiple render times and the derivation of the average time to display. These limitations would be an obvious variation of statistical analysis and the incorporation of a

session where a client can make multiple requests during a session, as taught by Shelton.

As for claim 9, Gartner teaches receiving the timestamp from the client, deriving a document render-time being indicative of a time period from when the request for the document is made to when the document is generated as a function of the timestamp and the current time, and logging the document render time. (paragraph 0021, 0025) The only limitations not taught by Gartner are the collection of multiple render times and the derivation of the average time to display. These limitations would be an obvious variation of statistical analysis and the incorporation of a session where a client can make multiple requests during a session, as taught by Shelton.

As for claim 10, logging of single session render times is taught by Gartner (paragraph 0022) and Shelton further teaches the logging of multiple statistics of a session in association with an unique identifier. (page 6, lines 33-49)

As for claim 11, Gartner teaches the reception of a request for a document from the client, generating a timestamp, the association of the timestamp with a value, serving the document along with a timestamp and an executable script to the client, the executable script being configured to return the time stamp when the document is rendered on the client machine, receiving the timestamp from the client, deriving a document render-time being indicative of a time period from when the request for the document is made to when the document is generated as a function of the timestamp and the current time, and logging the document render time. (paragraph 0022, 0025, 0027) As for the average render time of a session and more specifically the session ID,

Shelton teaches the creation of a session (and its association with an unique id) and the gathering and analysis of statistical information regarding multiple requests by a client.
(page 6, lines 33-49)

As for claim 12, Gartner teaches the reception of a request for a document from the client, generating a timestamp, the association of the timestamp with a value, serving the document along with a timestamp and an executable script to the client, the executable script being configured to return the time stamp when the document is rendered on the client machine, receiving the timestamp from the client, deriving a document render-time being indicative of a time period from when the request for the document is made to when the document is generated as a function of the timestamp and the current time, and logging the document render time. A time to render monitor is used for part of the derivations and calculation. (paragraph 0022, 0025, 0027) As for the average render time of a session and multiple requests from a client, Shelton teaches the creation of a session (and its association with an unique id) and the gathering and analysis of statistical information regarding multiple requests by a client.
(page 6, lines 33-49)

As for claim 13, Gartner teaches claim 2 in paragraph 27 where "the client submits HTTP requests for web pages and the server returns the requested pages".

As for claim 14, the render time measurement module taught by Gartner uses a date/time stamp returned from the client to measure the time between the actuation of the link by the client and the rendering of the requested page on the client machine by

computing " a difference between the returned stamp and the current time to produce a client page render time". (paragraph 0021)

As for claim 15, logging of single session render times is taught by Gartner (paragraph 0022) and Shelton further teaches the logging of multiple statistics of a session in association with an unique identifier. (page 6, lines 33-49)

As for claim 16, Gartner teaches the association of the timestamp with a value, serving the document along with a timestamp and an executable script to the client, the executable script being configured to return the time stamp when the document is rendered on the client machine, and receiving the timestamp from the client. (paragraph 0022, 0025, 0027) As for the session ID, Shelton teaches the creation of a session (and its association with an unique id) and the gathering and analysis of statistical information regarding multiple requests by a client. (page 6, lines 33-49)

As for claim 17, Gartner teaches the reception of a request for a document from the client, generating a timestamp, the association of the timestamp with a value, serving the document along with a timestamp and an executable script to the client, the executable script being configured to return the time stamp when the document is rendered on the client machine, and receiving the timestamp from the client at a server module. Furthermore, deriving a document render-time being indicative of a time period from when the request for the document is made to when the document is generated as a function of the timestamp and the current time, and logging the document render time are done in part by the render time measurement module. (paragraph 0020, 0021, 0025) As for the average render time of a session, Shelton teaches the creation of a

session (and its association with an unique id) and the gathering and analysis of statistical information. (page 6, lines 33-49)

As for claim 18, Gartner teaches architecture wherein "the client computer further includes a browser that is capable of rendering documents written in a markup language, such as HTML..." (paragraph 0016)

As for claim 19, the render time measurement module taught by Gartner uses a date/time stamp returned from the client to measure the time between the actuation of the link by the client and the rendering of the requested page on the client machine by computing " a difference between the returned stamp and the current time to produce a client page render time". (paragraph 0021)

As for claim 20, Gartner uses a date/time stamp returned from the client to measure the time between the actuation of the link by the client and the rendering of the requested page on the client machine by computing " a difference between the returned stamp and the current time to produce a client page render time". (paragraph 0021)

As for claim 21, Gartner teaches architecture wherein "the client computer further includes a browser that is capable of rendering documents written in a markup language, such as HTML..." (paragraph 0016)

As for claim 22, Gartner teaches a server computer able to accomplish all the limitations he teaches in paragraphs 0018 and 0019. As for the limitations not taught by Gartner, mainly the average render time and session, Shelton teaches them. Also, it would be obvious to one with ordinary skill in the art that if something performs a

function; it would have a physical apparatus in which the components enabling the function reside.

As for claim 23, Gartner teaches computer readable media with computer executable code serving a document with a timestamp and an executable program, which executes upon the rendering of the client page. Furthermore, the document render time is measured as being indicative of the time from when the link is actuated by the client to when the page is completely rendered on the client machine.
(paragraphs 0017, 0021, 0031)

As for claim 24, Gartner teaches that once the timestamp returns via an HTTP request (which is in a computer readable media with computer executable instructions), the render time measurer compares the timestamp with the current time. The render time measurer must possess code means in order to calculate the render time from the computer readable media. (paragraph 0031, 0033)

As for claim 25, it is inherent that in a client/server environment, in order for tasks that have been claimed to be carried out, must possess code means in doing so. Having said that, Gartner teaches that an executable script that is accompanied with the timestamp is written in computer executable media with computer executable instructions. The only limitation that Gartner fails to teach is that of the session ID. The use of a session ID is taught by Shelton.

Conclusion

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12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Asad M Nawaz whose telephone number is (703) 305-0094. The examiner can normally be reached on M-F 8-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hosain Alam can be reached on (703) 308-6662. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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